

BRIAN CLAUSS

Arbitrator - Mediator -Attorney

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RELEVANT EXPERIENCE

Arbitrator and Mediator

June 2004 – present

Professional neutral concentrating in the arbitration and mediation of labor and employment disputes. Alternative dispute resolution including grievance arbitration, employment arbitration, mediation, facilitation and fact-finding.

Assistant State's Attorney

November 1990 – April 2004

Labor and Employment Unit: Represented Cook County in labor and employment matters. Representation included labor arbitrations, cases before the Employee Appeals Board and the Sheriff's Merit Board, and defense of cases in Administrative Review in the Circuit Court. Representation also included matters at the Equal Employment Opportunity Commission, the Illinois Department of Human Rights, and the Illinois Labor Relations Board. Defended Title VII, Section 1983 and ADA discrimination cases in Federal Court, which included drafting summary judgment motions and conducting federal jury trials. Responsible for special projects involving information technology and grievance backlogs.

Criminal Division: Prosecuted felonies in trial courts, Illinois Appellate Court and the Illinois Supreme Court.

ADMITTED TO PRACTICE

Illinois Supreme Court

United States District Court for the Northern District of Illinois

Federal Trial Bar

PANELS AND ROSTERS

Federal Mediation and Conciliation Service

American Arbitration Association

National Mediation Board

National Railroad Adjustment Board

Illinois Labor Relations Board

Illinois Educational Labor Relations Board

Illinois Department of Labor

City of Chicago and Fraternal Order of Police Lodge 7

East St. Louis Police Department and Fraternal Order of Police Labor Council

State Universities Civil Service System – Hearing Officer

Illinois State Board of Education – Hearing Officer

Equal Employment Opportunity Commission – Contract Mediator

**Court-Annexed Major Case Civil Mediation Program, Cook County, Illinois
Court-Certified Mediator (Complex Civil Cases)**

INDUSTRIES

Police and fire; prison guards; administrative; custodial; construction; education; health care; hospitals/nursing home; manufacturing; office workers/clerical; transportation; trucking and storage; public sector; railroads; steel; utilities

ISSUES

Arbitrability (substantive and procedural); Bargaining Unit Work; Conduct (off-duty); Contract Interpretation; Discipline (Discharge); Discipline (Non-discharge); Discrimination (disability); Discrimination (national origin); Grievance Mediation; Hiring; Job bidding/posting; Job Performance; Layoffs/Bumping; Leave; Management Rights; Military Leave, Minimum Staffing, Past Practices; Promotion, Work Hours/ Schedules/ Assignments; Subcontracting/Contracting Out; Working Conditions/Orders; Violence or threats; Wages and Hours.

PUBLISHED AWARDS

Fraternal Order of Police Labor Council and Macoupin County, 120 LA 1308 (2005)

Fraternal Order of Police Labor Council and Calumet City Police Department, 122 LA 434 (2006)

PUBLICATIONS

Chapters

Public Employees, in The Labor Law Handbook, Illinois Institute for Continuing Legal Education, 2006 Supplement (with Steven M. Bierig and Michelle Camden)

Off-Duty Conduct, in Workplace Violence in the Public Sector, American Bar Association, 2008 (with Steven M. Bierig and Michelle Camden)

The Uniformed Services Employment and Reemployment Rights Act – an Overview, in Employing the Military, Illinois Institute for Continuing Legal Education, (CLE Seminar Book 2006)

Federal Activation and Return – The Servicemember’s Rights, in Veterans Legal Issues, Illinois State Bar Association and the John Marshall Law School, (CLE Seminar Book 2007)(with Margaret Riley)

Articles

Called to Duty – Advising Your Client, in The Young Lawyer, American Bar Association (January 2007)

Employees Called to Duty in the National Guard and Reserve – an Overview of the Applicable Federal and Illinois Laws, State Universities Civil Service System, Summer Quarterly, 2006

Res Judicata Implications of Police and Fire Commission Hearings, Illinois State Bar Association Labor and Employment Law Newsletter, Vol. 44 No. 3 (September 2006) (with Michelle Camden)

Employees Called to Military Duty – an Overview of Military Leave and the Service Member’s Rights, Illinois State Bar Association Labor and Employment Law Newsletter, Vol. 44 No. 5 (December, 2006)(with James Capparelli and Lyndsey Kimber)

Privatization of Public Educational Services: The Application of the Doctrine of Successorship in the No Child Left Behind Era, Illinois Public Employee Relations Report, Vol. 22 No. 4 (2005) (with Rochelle Gordon)

LECTURES AND PRESENTATIONS

Labor and Employment Issues for Activated and Returning Military Personnel, Continuing Legal Education Seminar, Northwest Suburban Bar Association, Arlington Heights, Illinois, March 2, 2006

Professional Development Workshop: How to Present a Case in Arbitration, Advice from the Pros and a Case Scenario, Labor and Employment Relations Association, University of Illinois Chicago, June 9, 2006

Employing Activated and Returning Military Personnel: Laws You Should Know, Triton College, River Grove, Illinois, July 19, 2006

Military Leave: the Federal and State Laws, Illinois Department of Employment Security Administrative Law Judge training, Chicago, Illinois, September 22, 2006

Employment Issues of Activated and Returning Military Personnel, Illinois Institute for Continuing Legal Education, Continuing Legal Education Course, Chicago, Illinois, November 13, 2006

Military Leave Workshop,
Illinois Public Sector Labor Law Conference,
Chicago-Kent Law School - Chicago, Illinois, December 1, 2006

Military Leave and the Public Sector Employee,
Metropolitan Fire Chiefs Association,
Addison, Illinois, January 4, 2007

Labor and Employment Issues of Guard and Reserve Members, their Unions and Employers,
Labor and Employment Relations Association National Conference, Chicago, Illinois,
January 6, 2007

Overview of Recent State and Federal Legal Development on Military Leave,
Illinois Committee for Employer Support of the Guard and Reserve,
Springfield, Illinois, January, 19, 2007

ADR and the ESGR Ombudsman Program,
Association for Conflict Resolution,
Chicago, Illinois, January 29, 2007

Uniformed Servicemembers Employment and Re-Employment Rights Act – Overview and Caselaw Developments,
Minnesota National Guard All-Hands Continuing Legal Education,
St. Paul, Minnesota, February 4, 2007

Employment Law Update – Military Leave,
Illinois Institute for Continuing Legal Education,
Chicago, Illinois, February 22, 2007

Legal Issues of Activated and Returning Military Personnel,
John Marshall Law School,
Chicago, Illinois, April 13, 2007

Military Leave and the Public Employee – Workshop,
Illinois Association of Fire Service Professionals,
Winfield, Illinois, April 22, 2007

Military Leave - Overview of Recent State and Federal Legal Developments,
Rockford Chamber of Commerce,
Rockford, Illinois, May 11, 2007

Military Activation and Return – an Overview of the Law,
LexisNexis Paralegal Conference,
Chicago, Illinois, May 23, 2007

USERRA – Laws You Must Know,
Illinois Department of Employment Security,
Veteran Representative Training,
Fairview Heights, Illinois, September 14, 2007

USERRA Law – The Emerging Issues and Recent Developments,
Illinois Committee for Employer Support of the Guard and Reserve,
Advanced Ombudsman Training,
Chicago, Illinois, September 22- 23

Military Activation and Return - the Public Sector Employee and the Public Sector Employer,
Illinois Municipal League Annual Conference,
Chicago, Illinois, October 19, 2007

Military Leave – USERRA and Illinois Law,
Illinois Association of Paralegals Annual Conference,
Chicago, Illinois, November 8, 2007

Military Issues – State and Federal Law,
Veterans Legal Support Center at The John Marshall Law School and the Illinois State Bar Association,
Chicago, Illinois, November 9, 2007

Military Leave - Developing Issues and Trends,
Illinois Committee for Employer Support of the Guard and Reserve Annual Meeting
Springfield, Illinois, January 11, 2008

Military Leave – Employment Issues of the Illinois National Guard Activation
Metropolitan Fire Chiefs Association,
Addison, Illinois, March 6, 2008

Why the Law? – Perspectives on a Legal Career
Lake Forest College,
Lake Forest Illinois, February 12, 2008

Military Activation and Labor Relations (working title),
National Academy of Arbitrators Annual Meeting,
Ottawa, Canada, May 2008

EDUCATION

The John Marshall Law School,	Juris Doctorate, 1990
Herzog Moot Court Competition	
Lake Forest College,	Bachelor of Arts, 1986

PROFESSIONAL ORGANIZATIONS

**Labor and Employment Relations Association, Chicago Chapter
Board of Directors**

**Illinois State Bar Association
Military Affairs Standing Committee**

**Northwest Suburban Bar Association
Labor and Employment Law Committee
Employment Litigation Seminar Planning Committee
Military Veterans Seminar Planning Committee, Chair**

**Veterans Legal Support Center at the John Marshall Law School
Executive Director**

CIVIC ORGANIZATIONS

**Hephzibah Children's Organization, Oak Park, Illinois 1997-1999
Board of Directors**

**Park Ridge Police and Fire Commission, Park Ridge, Illinois 2004 - 2007
Commissioner**

**Illinois ESGR, Springfield, Illinois 2006 - present
Executive Committee
Ombudsman Director**

TEACHING

**Adjunct faculty – The John Marshall Law School, 2007 - present
Adjunct faculty - Triton College 2005 - 2007**

FOREIGN LANGUAGE

German

FEES

Per Diem Fee: \$1000

Grievance arbitration, interest arbitration, mediation, fact finding: \$1000 per day for hearing, research and writing of the award.

Cancellation Policy: Cancellations less than 30 days but more than 15 days before the hearing date are charged half the per diem. Cancellations less than 15 days before the hearing date will be charged the per diem.

Travel: No charge for travel within the greater Chicago metropolitan area. Outside the greater Chicago metropolitan area – expenses at rate incurred and travel time at a prorated per diem. Mileage is the IRS rate.

Office Expenses: No charge for normal office expenses such as postage, copying and telephone.
Docketing: \$